

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SHERON JEAN COMBS
1079 Sandlick Branch
Emmalena, Kentucky 41740

Plaintiff,

v.

UNITED FINANCIAL CASUALTY GROUP
6300 Wilson Mills Road
Cleveland, Ohio 44143

Defendant.

Case No.:

Judge

**COMPLAINT FOR DAMAGES AND
DECLARATORY JUDGMENT**

Michael Jay Leizerman (0063945)
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Attorneys for Plaintiff

Comes the Plaintiff, Sheron Jean Combs, by counsel and pursuant to CR 3.01, CR 57 and KRS 418.040, and for her causes of action against the Defendants, states as follows:

Parties

1. Plaintiff, Sheron Jean Combs is a citizen of Emmalena, Knott County, Kentucky.
2. United Financial Casualty Group (UFCG) issued to H&S Sales & Services, LLC commercial policy number 06634381-1, effective November 3, 2009 to October 25, 2010 with \$1 million liability insurance coverage and commercial policy number 05877073-5, effective January 19, 2010 to July 19, 2010 with \$1 million liability insurance coverage. UFCG has its principal place of business in Cleveland, Ohio.

Jurisdiction and Venue

3. Jurisdiction exists in this Court under 28 U.S.C. § 1332(a)(1) based upon diversity of citizenship. Plaintiff Sheron Combs is a citizen Kentucky. Defendant UFCG has its principal

places of business in Ohio, is incorporated in Ohio, has its headquarters and “nerve center” in Ohio, and the amount in controversy (exclusive of costs and interest) exceeds \$75,000.

4. Venue is appropriate in this Court under 28 U.S.C. § 1391(b)(1) since UFCG is resident of this district.

First Cause of Action
Coverage under UFCG Policies

5. All, facts, allegations and causes of action above are incorporated into this cause of action by reference.

6. On July 13, 2014, Plaintiff Sheron Combs received a judgment in the amount of \$10 million against H & S Sales & Service, LLC, which is attached. This judgment is for serious personal injuries sustained by Plaintiff Sheron Combs as a result of June 16, 2010 collision at the intersection of Kentucky Highway 15 in Hazard, Perry County, Kentucky.

7. One or both United Financial Insurance Company policies provide insurance coverage for H & S Sales & Service to satisfy, or partially satisfy, the judgment.

8. Plaintiff respectfully demands this Court declare that United Financial Insurance Company policy number 06634381-1 provides \$1 million liability insurance coverage toward the attached judgment and enter judgment against United Financial Insurance Company to pay this amount.

9. Plaintiff respectfully demands this Court declare that United Financial Insurance Company policy number 05877073-5 also provides \$1 million liability insurance coverage toward the attached judgment and enter judgment against United Financial Insurance Company to pay this amount.

10. As liability insurance for a commercial motor vehicle, the Policy was required to provide insurance coverage under applicable federal and state law, including, but not limited to, 49 U.S.C. § 31139(b)(2), 49 C.F.R. §§ 387 and/or Kentucky Revised Statute § 281.655.

Second Cause of Action
Bad Faith Claim against UFCG

11. All, facts, allegations and causes of action above are incorporated into this cause of action by reference.
12. Plaintiff has demanded coverage from UFCG on several occasions.
13. Plaintiff has demanded UFCG pay under its policies to partially satisfy the attached judgment. UFCG has denied coverage.
14. Plaintiff made a claim against the UFCG policies. UFCG denied coverage.
15. UFCG's actions, individually and taken as whole, constitute bad faith.
16. UFCG's actions, individually and taken as whole, are either intentional or show a reckless disregard for the rights of its insured and therefore constitute a violation of the Kentucky Unfair Claims Settlement Practices Act under KRS § 304.12-230.
17. UFCG's actions demonstrate a conscious disregard for the rights of Plaintiff Sheron Jean Combs.
18. Plaintiff demands compensatory damages for anxiety, mental anguish and inconvenience along with punitive damages.

WHEREFORE, Plaintiff respectfully demands:

- A. The issuance of a Declaratory Judgment that United Financial Casualty owes insurance coverage on behalf of H & S Sales & Service, LLC for the judgment attached under one or both insurance policies.
- B. A full adjudication of all claims asserted herein against the Defendants;
- C. That the Plaintiff, Sheron Jean Combs, recover her damages in law and equity, both compensatory and punitive, for monies owed by UFCG, in addition to reasonable attorney fees

and expenses incurred herein, as well as other measures of damages to which she may appear entitled;

- D. For a trial by jury on any and all issues so triable; and
- E. For any and all other such proper relief as the court may deem proper and equitable.

RESPECTFULLY SUBMITTED,

/s/Michael Jay Leizerman
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